



RESOLUTION

REQUESTING THAT THE CITY AUDITOR CONDUCT PERFORMANCE AUDITS OF THE HONOLULU POLICE DEPARTMENT AND DEPARTMENT OF THE PROSECUTING ATTORNEY.

WHEREAS, in the wake of the convictions of Louis and Katherine Kealoha (collectively, "Kealohas") for conspiracy to defraud the United States and four counts of attempted obstruction of an official proceeding in a highly-publicized public corruption case (the "mailbox case"), the City Council ("Council") has grave concerns as to how such abuses of power by the former chief of police and a high-ranking deputy prosecutor were allowed to go on, seemingly unchecked, within the Honolulu Police Department ("HPD") and the Department of the Prosecuting Attorney ("Prosecutor's Office"); and

WHEREAS, in the mailbox case, former Police Chief Louis Kealoha was alleged to have used City and County of Honolulu resources, including police officers from the elite Criminal Intelligence Unit, to investigate the theft of the Kealohas' mailbox, and homicide detectives and undercover officers to follow and arrest Gerard Puana, Katherine Kealoha's uncle, for the mailbox theft; and

WHEREAS, the underlying objective of former Chief Kealoha's criminal activities was apparently to frame Gerard Puana for the theft of the Kealohas' mailbox, a federal crime, in order to discredit him in an ongoing financial dispute involving Katherine Kealoha's grandmother, Florence Puana; and

WHEREAS, it was reported that Katherine Kealoha is alleged to have used her position as a high-ranking deputy prosecuting attorney in charge of the career criminal unit in the Prosecutor's Office to order a former deputy prosecutor, Kaina Awong, to wrongfully pursue a felony conviction against Gerard Puana; and

WHEREAS, in addition to her federal convictions in the mailbox case, it was reported that Katherine Kealoha is alleged to have pursued a pattern of corruption and prosecutorial misconduct by helping friends avoid criminal prosecution, including having a charge of driving under the influence removed and dismissed from the court's docket in May 2015; pressing a DUI and false reporting prosecution against an HPD officer who had previously arrested Katherine Kealoha's friend, a convicted felon who had refused to obey the officer's instructions; and appearing in traffic court to have an excessive speeding citation against her electrician dismissed in 2014; and

WHEREAS, the Council believes that such patterns of corruption, prosecutorial misconduct, retaliation, favoritism, and abuses of power should have been evident to



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management and personnel within the HPD and Prosecutor's Office long before they were brought to light through the mailbox case and other pending indictments against the Kealohas; and

WHEREAS, it is in the public interest for performance audits to be conducted of HPD and the Prosecutor's Office to review and assess the sufficiency of each department's existing policies, procedures, and controls to prevent similar misconduct, retaliation, favoritism, and abuses of power in the future; to determine whether each department complied with their existing policies, procedures, and controls; and to provide recommended improvements and corrective measures in each department's policies, procedures, and controls so as to minimize future managerial and operational breakdowns; now, therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu that the City Auditor is requested to conduct performance audits of the Honolulu Police Department and the Department of the Prosecuting Attorney, which should address: 1) whether each department's existing policies, procedures, and controls are sufficient to prevent similar misconduct, retaliation, favoritism, and abuses of power by their respective employees; 2) whether each department complied with their existing policies, procedures, and controls in their internal operations during the time periods reflected in the First and Second Superseding Indictments of the alleged misconduct by Louis Kealoha and Katherine Kealoha; and 3) recommendations as to improvements and corrective measures in each department's policies, procedures, and controls so as to minimize future managerial and operational breakdowns; and

BE IT FURTHER RESOLVED that the audit of the Department of the Prosecuting Attorney should neither interfere with, nor hinder the prosecutorial functions of the department as set forth in the Revised Charter of the City and County of Honolulu 1973 (2017 Edition) ("Charter") Section 8-104.1, which includes prosecuting all offenses that violate the laws of the State and the ordinances and rules and regulations of the City, arresting persons charged with or reasonably suspected of public offenses, and drawing indictments and presenting cases for consideration by the grand jury; and

BE IT FURTHER RESOLVED that the City Auditor is requested to complete the performance audits of the Honolulu Police Department and the Department of the Prosecuting Attorney no later than one calendar year after the adoption of this resolution in accordance with Charter Section 3-114.2; and

BE IT FURTHER RESOLVED that copies of the completed audit reports be filed with the City Clerk as a public record; and



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

No. 19-255

RESOLUTION

BE IT FINALLY RESOLVED that copies of this resolution be transmitted to the Mayor, the Managing Director, the Chief of Police, Acting Prosecuting Attorney, and the City Auditor.

INTRODUCED BY:

Panman

DATE OF INTRODUCTION:

OCT 3 2019

Honolulu, Hawaii

Councilmembers

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

RESOLUTION 19-255

Introduced: 10/03/19 By: RON MENOR

Committee: EXECUTIVE MATTERS
AND LEGAL AFFAIRS

Title: RESOLUTION REQUESTING THAT THE CITY AUDITOR CONDUCT PERFORMANCE AUDITS OF THE HONOLULU
POLICE DEPARTMENT AND DEPARTMENT OF THE PROSECUTING ATTORNEY.

Voting Legend: * = Aye w/Reservations

CC-329 MANAHAN – RE-REFERRAL FROM COMMITTEE ON BUDGET TO COMMITTEE
ON EXECUTIVE MATTERS AND LEGAL AFFAIRS.

10/22/19 EXECUTIVE MATTERS
AND LEGAL AFFAIRS

CR-318 – RESOLUTION REPORTED OUT OF COMMITTEE FOR ADOPTION.
7 AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MENOR,
TSUNEYOSHI, WATERS.
2 EXCUSED: MANAHAN, PINE.

11/06/19 COUNCIL

CR-318 AND RESOLUTION 19-255 WERE ADOPTED.
7 AYES: ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, PINE, WATERS.
2 ABSENT: ANDERSON, TSUNEYOSHI.

I hereby certify that the above is a true record of action by the Council of the City and County of Honolulu on this RESOLUTION.


GLEN I. TAKAHASHI, CITY CLERK


IKAIKA ANDERSON, CHAIR AND PRESIDING OFFICER